

# **EXHIBIT 4**

## Bill Dunseth

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**From:** owner-uber-sg@lists.susmangodfrey.com on behalf of Lindsay Cooper  
<lindsaycooper@quinnemanuel.com>  
**Sent:** Wednesday, November 22, 2017 5:46 PM  
**To:** Gonzalez, Arturo J.  
**Cc:** UberWaymoMoFoAttorneys; BSF\_EXTERNAL\_UberWaymoLit; Uber-  
sg@LISTS.SUSMANGODFREY.COM; QE-Waymo  
**Subject:** RE: Waymo v. Uber - Supplementing Trial Witness List

Arturo,

Your colleague agreed that the jurors should be instructed on the Georgia-Pacific factors at the November 14 hearing, and the tentative jury instructions that Judge Alsup issued yesterday also contemplate that the jurors will be instructed on, and evaluate, the Georgia-Pacific factors if they cannot reach agreement on an unjust enrichment number for damages.

Our current witness list provides an overview of the testimony we are seeking from each witness. The witness list says that we expect Mr. Bananzadeh to provide non-cumulative testimony regarding costs of development of, and management of Waymo's self-driving cars and autonomous vehicle technology. It also says that we expect Mr. Adarkar to provide non-cumulative testimony regarding Uber's financial forecasts for autonomous vehicles, and Uber's competitive relationship with Waymo, including its willingness to cut prices to compete with Waymo.

A non-exhaustive list of the documents that we intend to admit through the custodian is below. Of course, we reserve the right to edit or supplement this list.

TX-821  
TX-822  
TX-4749  
TX-4442  
TX-883  
TX-9147  
TX-7304

Lindsay

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**From:** Gonzalez, Arturo J. [<mailto:AGonzalez@mofo.com>]  
**Sent:** Wednesday, November 22, 2017 10:47 AM  
**To:** Lindsay Cooper <[lindsaycooper@quinnemanuel.com](mailto:lindsaycooper@quinnemanuel.com)>  
**Cc:** UberWaymoMoFoAttorneys <[UberWaymoMoFoAttorneys@mofo.com](mailto:UberWaymoMoFoAttorneys@mofo.com)>; BSF\_EXTERNAL\_UberWaymoLit  
<[BSF\\_EXTERNAL\\_UberWaymoLit@BSFLLP.com](mailto:BSF_EXTERNAL_UberWaymoLit@BSFLLP.com)>; [Uber-sg@LISTS.SUSMANGODFREY.COM](mailto:Uber-sg@LISTS.SUSMANGODFREY.COM); QE-Waymo  
<[gewaymo@quinnemanuel.com](mailto:gewaymo@quinnemanuel.com)>  
**Subject:** Waymo v. Uber - Supplementing Trial Witness List

Lindsay,

What specific trial exhibits would you seek to admit through a custodian?

What specific testimony would you seek to elicit through the three witnesses?

What is your legal authority in support of this request, and in support of your contention that jurors should evaluate the Georgia-Pacific standards in this case?

Arturo

Sent from my iPhone

On Nov 22, 2017, at 9:24 AM, Lindsay Cooper <[lindsaycooper@quinnemanuel.com](mailto:lindsaycooper@quinnemanuel.com)> wrote:

- External Email -

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Counsel,

Since the Court has excluded Waymo's damages expert Mr. Wagner, Waymo will have to spend a significant amount of trial time authenticating and laying foundation for documents that the jury can use to evaluate the extent to which Defendants have been unjustly enriched from their misappropriation of Waymo's trade secrets or, alternatively, to evaluate the Georgia-Pacific factors to determine reasonable royalty damages resulting from Defendants' misappropriation. If Mr. Wagner had not been excluded, Waymo would otherwise have introduced this evidence through Mr. Wagner under Fed. R. Evid. 703.

In light of the Court's order and these changed circumstances, and as Waymo noted in its proposed pretrial order last night, Waymo is planning to seek leave to add three witnesses to its trial witness list: (1) an Uber custodian of records; (2) Shawn Bananzadeh; and (3) Prabir Adarkar. We assume Defendants oppose this request given your position on Messrs. Bananzadeh and Adarkar, but if you would like to meet and confer, we are available to do so today.

Thank you,  
Lindsay

**Lindsay Cooper**  
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